THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.2562 OF 1999

DATED: 21.11.2007

Between:

R. Mallaiah

.. Petitioner

And

The A.P. State Road Transport Corporation, Musheerabad, Hyderabad, rep. by its Managing Director and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.2562 OF 1999

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in keeping the petitioner under forced leave from 08.02.1993 to 07.05.1993 and adjusting the said period as leave, and not paying salary for the month of November 1995, and not paying cash award for the years 1994-95 and 1995-96, as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India.

2. The case of the petitioner is that while he was working as Superintendent (T) with A.P. State Road Transport Corporation (for short 'the Corporation') at Kushaiguda Depot, Hyderabad, he was sent on forced leave from 08.02.1993 to 07.05.1993, without any reason, and was not paid salary for the said period.

3. In the counter filed on behalf of the respondents, while denying the allegations made by the petitioner, it is stated that the petitioner was paid all the retirement benefits, on attaining the age of superannuation. But, the counter is silent as to how and why the petitioner was kept under forced leave from 08.02.1993 to 07.05.1993.

4. The learned counsel for the petitioner strenuously contended that for the purpose of accommodating one M. Srikanth Rao, the

petitioner was sent on forced leave on the advice of Regional Manager, Bhagyanagar Region. These allegations, ofcourse, were not met in the counter. The counter as well as the counsel for the respondents has no answer for this. At this stage records were called for.

5 However, the records placed before the Court would indicate that the Senior Manager (Personnel), Bhagyanagar Region, addressed a letter, dated 28.01.1993, to the Depot Manager, Kushaiguda Depot, stating that one M. Srikanth Rao, Superintendent (P) of VO (Hqrs), was posted at Kushaiguda Depot in place of R.Mallaiah i.e. the petitioner and it was directed to send the petitioner on compulsory leave for a period of three months, on reporting of the said M. Srikanth Rao.

6. Heard both sides.

7. In the facts and circumstances of the case, I am of the opinion that the course adopted by the authorities in sending the petitioner on forced leave from 08.02.1993 to 07.05.1993, without showing any reason, is not justified and such an action of the respondents is not recognized by the Regulations governing the service conditions of the petitioner. Under those circumstances, denying salary for the said period of three months to the petitioner is arbitrary, illegal and atrocious. As a matter of right, the petitioner is entitled to draw salary for the said period i.e. from 08.02.1993 to 07.05.1993.

8. Accordingly, the respondents are directed to pay salary to the petitioner for the period from 08.02.1993 to 07.05.1993, as per his entitlement, within a period of four months from the date of receipt of a

copy of this order.

9. With the above direction, the writ petition is disposed of. No order as to costs.

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JUSTICE C.V. RAMULU

21st November, 2007.

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